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June 16, 2008

Hon. Edward M. Chen
United States District Court
Northern District of California
450 Golden Gate Avenue
16th Floor
San Francisco, CA 94102


FILED
JUN 27 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Re: Request to attend conference by telephone due to schedule conflict
Washington Mutual Bank v. Fidelity Capital Funding, Inc.
Case No. CV-08-1407-EMC

Dear Judge Chen:

I am co-counsel for Plaintiff Washington Mutual Bank in the above-captioned case proceeding before you. The recent re-scheduling of the case management conference to July 2, 2008 has created for me a schedule conflict, since I am obligated to an appearance in White Plains, NY during a three-day period between July 1-3. Insofar as my co-counsel, Noel Johnson, will be present at the July 2 conference, I respectfully request that I may be allowed to appear at the conference, to the extent that the appearance of both Mr. Johnson and myself is necessary, by telephone. Thank you.

Sincerely,



Michael Cavendish

MC/jk

cc:

Noel M. Johnson

Roger Raphael, Esq.
William Buranich, Esq.